

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS J. WADDELL,
Petitioner,

v.

RONALD RACKLEY,
Respondent.

Case No. [16-cv-01458-SI](#)

ORDER OF TRANSFER

Petitioner, who was convicted in San Mateo County Superior Court and now is incarcerated at the Folsom State Prison, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 to challenge the Board of Parole Hearings' denial of his petition to advance his parole. The petition challenges the execution of his sentence. The prison at which petitioner is incarcerated is in Sacramento County, within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. *See Habeas L.R. 2254-3(a); Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Eastern District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: 6/1/16

SUSAN ILLSTON
United States District Judge